

Election Procedures Review
Of
Asotin County
State of Washington
2006 Primary Election



Conducted by the
Office of the Secretary of State
Election Certification and Training Program



Introduction

The Washington State Legislature enacted legislation in 1992 mandating that the Office of the Secretary of State review county election procedures and practices. The Election Certification and Training Program was established within the Elections Division of the Office of the Secretary of State to conduct reviews and to provide for the certification of election administrators. In 2005, the Legislature expanded the Election Certification and Training Program to require that each County Auditor's Office be reviewed at least once every three years. They also added a requirement for the Program to conduct a follow-up visit to verify the county has taken the steps they listed to correct the problems noted in the report.

The election review process is governed by RCW 29A.04.510 through 29A.04.590 and Chapter 434-260 of the Washington Administrative Code. Reviews are conducted at regular intervals in conjunction with a county primary, special or general election, at the direction of the Secretary of State.

Pursuant to RCW 29A.04.570(1)(b), the Election Certification and Training Program conducted an election review in Asotin County during the 2006 Primary Election cycle. Libby Nieland, Elections Program Specialist, represented the Election Certification and Training Program during the review. Elaine Johnston, Asotin County Auditor, and other members of the staff participated on behalf of the Asotin County Auditor's Office.

Asotin County allowed the reviewer to thoroughly review and examine all aspects of the election processes. The county provided documentation and materials during the review which greatly contributed to a successful examination process.

Both the reviewer and the Asotin County Auditor's Office approached the review in a spirit of cooperation. The State commends the Asotin County Auditor's Office for its organization and preparation in making the review process a positive and useful experience.

Contents of this report are based on observations of election practices and procedures and on interviews with county election personnel. The reviewer obtained information based on the actual observation of a particular procedure, based on verbal explanation or written procedures. In all cases, the predominant concern is whether or not the county's actions constitute compliance with the intent of statutes and rules.

The purpose of this review report is to provide Asotin County Auditor's Office with a useful evaluation of its election procedures and policies and to encourage procedural consistency in the administration of elections throughout the state. This review report includes a series of recommendations and/or suggestions that are intended to assist Asotin County in improving and enhancing its election processes.

The reviewer is statutorily prohibited from making any evaluation, finding, or recommendation regarding the validity of any primary or election or of any canvass of the election returns. Consequently, this review report should not be interpreted as affecting, in any way, the validity of the outcome of any election or of any canvass of election returns.

Table of Contents

Overview	Page 1
Recommendations	Page 2
Suggestions	Page 19
County's Response to Review Report	Page 22
Conclusion	Page 25

Overview

During the course of this review, several county election processes and procedures were either observed or reviewed, including pre-election procedures, Election Day procedures, ballot processing procedures, post-election procedures, canvassing, reconciling, and certification procedures. Comments regarding some of these observations are noted here and recommendations follow these observations.

This was the first large election conducted by the Asotin County Auditor using a new vote tabulation system. It should also be noted that the Asotin County Elections Department is normally staffed by the County Auditor alone. One temporary employee may be added to the office staff during an election. The Auditor directly manages 11,400 active registered voters, in addition to the normal supervisory requirements of the position.

The Asotin County Auditor's staff is dedicated and conscientious. The County Auditor uses personnel from other sections in the Auditor's Office, such as Licensing and Recording, to assist because of insufficient staffing in the Elections Department.

Asotin County votes entirely by mail. Vote-by-mail procedures require sufficient office space and storage space to provide secure processing of ballots. Emphasis needs to be on ballot security during processing and storage. The Elections Department would greatly benefit from additional office space.

State law requires every county to have two certified election administrators, who must attend annual training in order to retain the certification. No one on staff in the Asotin County Auditor's Office is certified as an election administrator. Keeping current with changes in election processes and election laws is essential to administering elections. Attendance at training will assist Asotin County in correctly administering elections. Unfortunately, lack of personnel for support of basic office functions prevents staff from taking time out to attend training.

Other than procedures on candidate filing, the Asotin County Elections Department has no written office procedures. Developing up-to-date and comprehensive office procedures would be a considerable asset to the Auditor's Office. Written procedures are essential for consistency and documenting compliance with election laws.

Some of the recommendations in this report require relatively minor changes in the County's procedures. However, because elections are complicated, even minor changes can impact the election process.

The following recommendations and suggestions will improve and enhance the County's election procedures and policies.

Recommendations

The following recommendations indicate areas where the county is out of compliance with the Revised Code of Washington (RCW), the Washington Administrative Code (WAC), the Washington State Constitution, or Federal election law. The reviewer provides a description of the county's procedure, a citation of the applicable law, and a recommendation based on the citation.

Staff/Administration

The Asotin County Elections Department has never been in full compliance with the Election Administration and Certification Program since the inception of the program. At this time, no one serving in the department is certified under the Washington State Election Administration and Certification Program as an election administrator. The County Auditor was last certified as an election administrator in 2002.

RCW 36.20.220 requires "... not less than two persons of the auditor's office who conduct primaries and elections in the county shall be certified under chapter [29A.04] RCW as elections administrators."

Recommendation: The Asotin County Auditor has sufficient time in service to meet one of the three qualifications required for certification as an election administrator. The written test may be taken immediately and mandatory training should be attended when first offered. A full time staff member in the Elections Department should be employed as soon as possible with the understanding that the Election Administration and Certification Program be completed within two years of initial employment.

Verification and Confirmation Notices

The current verification and confirmation notices are in the form of postcards with a tear-off return card. Neither the verification nor the confirmation notices used by Asotin County provide return postage prepaid to the voter.

The verification return form correctly provides space for an applicant to list his or her name, residence address, and date of birth. An additional letter is sent by the Auditor to verify an applicant's identification. There is no verification form used to confirm an applicant's United States citizenship or to obtain the signature of the applicant attesting to the oath.

Voter confirmation notices are not sent to all addresses on record for the voter, even if the addresses are reasonable locations for the voter to receive mail.

The Auditor verbally communicated that if a new voter registration form is received without the applicant's signature, the Asotin County Elections Department returns the incomplete form to the applicant accompanied by a letter requesting that the applicant return the completed form, with signature, to the County Auditor.

RCW 29A.08.030 states, in part, “(1) ‘Verification notice’ means a notice sent by the county auditor or secretary of state to a voter registration applicant and is used to verify or collect information about the applicant in order to complete the registration. The verification notice must be designed to include a postage prepaid, preaddressed return form by which the applicant may verify or send information. ... (3) ‘Confirmation notice’ means a notice sent to a registered voter by first class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address. The confirmation notice must be designed to include a postage prepaid, preaddressed return form by which the registrant may verify the address information.”

RCW 29A.08.110(1) states, “An application is considered complete only if it contains the applicant's name, complete valid residence address, date of birth, signature attesting to the truth of the information provided, a mark in the check-off box confirming United States citizenship, and an indication that the provided driver's license number, state identification card number, or Social Security number has been confirmed by the secretary of state. If it is not complete, the auditor shall promptly mail a verification notice of the deficiency to the applicant. This verification notice shall require the applicant to provide the missing information.”

RCW 29A.08.230 states, “For all voter registrations, the registrant shall sign the following oath: ‘I declare that the facts on this voter registration form are true. I am a citizen of the United States, I am not presently denied my civil rights as a result of being convicted of a felony, I will have lived in Washington at this address for thirty days immediately before the next election at which I vote, and I will be at least eighteen years old when I vote.’”

Recommendation: The Asotin County Auditor must provide pre-paid postage on all verification and confirmation notices.

The verification form must be redesigned to request all required information needed to process a registration, including the oath and a declaration of U.S. citizenship.

Confirmation notices should be sent to all known addresses for a voter where mail can reasonably be expected to be delivered.

Original voter registration forms received without the required information should be retained by the County Auditor for at least 45 days. A verification notice, including a copy of the oath with signature line, should be sent to the voter requesting the missing information.

Verification of Applicant's Identity

The Asotin County Auditor correctly initiates several attempts by mail and phone to confirm the identity of voters who have not provided identification on the voter registration application. However, the forms used by the Elections Department to confirm applicant identity incorrectly state that an applicant cannot be registered and will not be eligible to vote unless identification is supplied by the voter no later than 30 days prior to the primary. The forms do not list the types of acceptable identification required, and inaccurately request identity documentation with only the applicant's name.

WAC 434-324-040(5) states, in part, “ If the applicant’s identity is not verified in the computerized verification process, the applicant must be placed on the official list of registered voters in active status, but the registration record must be flagged as still requiring verification of the applicant’s identity before the applicant’s ballot may be counted.”

WAC 434-324-045(2) states, “If the county auditor has not successfully verified the applicant’s identity, the county auditor must send the applicant an identity verification notice that includes a postage prepaid, preaddressed form by which the applicant may verify or send information.”

Recommendation: The Asotin County Elections Department needs to update the identity verification notice to include all information and notices as required by WAC 434-324-045. This form should be included with any ballot issued to a voter requiring identification verification.

Voter List Maintenance

The Asotin County Auditor correctly utilizes published obituaries and vital statistics furnished by the Asotin County Health Department to maintain the voter lists. It was explained verbally to the reviewer that if a voter is reported deceased by another registered voter over the phone or by a note on a returned ballot, the Asotin County Elections Department processes the information and cancels the voter. No form is sent to the person reporting a deceased voter, as no such form exists in the elections office.

RCW 29A.08.510(3), in part, provides that “any registered voter may sign a statement, subject to the penalties of perjury, to the effect that to his or her personal knowledge or belief another registered voter is deceased. This statement may be filed with the county auditor or the secretary of state. Upon the receipt of such signed statement, the county auditor or the secretary of state shall cancel the registration records concerned from the official state voter registration list.”

Recommendation: The Auditor should comply with the state law requiring the signature of the reporting registered voter in order to cancel another voter’s registration for cause of death. The Elections Department should provide a form for voters to report the death of another registered voter that includes a declaration with the reporting voter’s signature affirming to the accuracy of the information. The penalties of perjury should also be stated on the form.

Ballot Request Forms

All elections related forms required by statute were not readily available. When asked for sample forms of a hospital ballot application and a special absentee ballot application, elections staff indicated that those specific forms were not available. Use of the regular absentee request form does not fulfill the specific requirements for hospital or special absentee ballot applications.

Asotin County correctly sent ballots to each active voter 18 days prior to the Primary; inactive voters were not sent applications or ballots for the Primary Election.

WAC 434-250-030(3) states, “As authorized by RCW [29A.40.050](#), requests for a special absentee ballot must be made in writing and each county auditor must provide the applications.”

WAC 434-250-030(4) states, in part, “As authorized by RCW [29A.40.080](#), requests for an absentee ballot may be made by a resident of a health care facility, as defined by RCW [70.37.020](#)(3). Each county shall provide an application form for such a registered voter to apply for a single absentee ballot by messenger on election day. The messenger may pick up the voter's absentee ballot and deliver it to the voter and return it to the county auditor's office.”

RCW 29A.40.050(1) states, “As provided in this section, county auditors shall provide special absentee ballots to be used for state primary or state general elections. An auditor shall provide a special absentee ballot only to a registered voter who completes an application stating that she or he will be unable to vote and return a regular absentee ballot ...”

RCW 29A.48.010(3) states, “The auditor shall send each inactive voter either a ballot or an application to receive a ballot at least eighteen days before a primary, general election, or special election.”

Recommendation: The Auditor’s Office must have application forms available for hospital absentee ballots and special absentee ballots.

The Asotin County Auditor should develop detailed procedures for issuing special absentee ballots and procedures for processing these ballots if the voter also returns a regular ballot.

Asotin County should mail all inactive voters an application to receive a ballot no later than the 18th day before an election or primary.

Questionnaires for Cities, Towns and Districts

The Asotin County Auditor did not send a questionnaire to all jurisdictions. A copy of a letter sent to Asotin County jurisdictions and dated March 2003 was provided to the reviewer. Although the 2003 letter identified the district, positions within the district, and the incumbent serving in the positions, the letter did not list the salary for the positions. There was no request in the letter for any confirmation of the information by the jurisdiction.

WAC 434-215-005 mandates “Prior to April 1 of each year, the county auditor shall send a questionnaire to the administrative authority of each local jurisdiction for which the auditor is the candidate filing officer subject to the provisions of RCW [29A.04.320](#) and [29A.04.330](#). The purpose of the questionnaire shall be to confirm information which the auditor may disseminate to the public regarding the filing for elective offices. The questionnaire should request, as a minimum, confirmation of offices to be filled at the general election that year, the name of the incumbent, and the annual salary for the position at the time of the filing period. Responses should be received prior to May 1 of that year so that the filing information can be compiled and disseminated to the public at least two weeks prior to the candidate filing period.”

Recommendation: Each year a written questionnaire must be directed to all jurisdictions. The salary for positions open for election should be added to the questionnaire used by Asotin County Elections.

The questionnaire might also include the length of term for each position, an opportunity for additions and corrections and request a signature acknowledging the correctness of the information. The timeline and methods for returning the questionnaire should also be included.

Candidate Filing

The Asotin County Elections Department written policy and procedures for processing declarations of candidacy during candidate filing require that the elections deputy “completes filling in the required information on the front of the Declaration of Candidacy (if it has not already been completed by the candidate).”

RCW 29A.24.031, in part, requires that “A candidate who desires to have his or her name printed on the ballot for election . . . shall complete and file a declaration of candidacy.”

Recommendation: The candidate should complete the Declaration of Candidacy. Requiring the candidate to complete the form relieves the Auditor of responsibility if erroneous information is entered on the form. Office procedures should be clear that the elections deputy’s responsibility is to verify that the candidate provided all required information.

No Primary Shall be Held

The Elections Department failed to notify candidates for two nonpartisan races that no primary would be held, even though notification is required by law.

If there is to be no primary for a nonpartisan race RCW 29A.52.220(1), in part, mandates, “The county auditor shall, as soon as possible, notify all the candidates so affected that the office for which they filed will not appear on the primary ballot.”

Recommendation: Nonpartisan candidates should be sent notice in the event that no primary will be held for the position for which they have filed. This notification may be by mail, phone or electronically, but must be done as soon as possible following the last day of withdrawals from filing.

Ballot Layout

The first printing of the 2006 Primary ballots included races for district court and the public utility district. Because both races were nonpartisan and had fewer than three candidates for each position, these positions were not to appear on the Primary ballot. It was necessary for the Auditor to reprint some of the 2006 Primary ballots.

Ballots printed and issued for the Primary included errors for state certified candidates Mohammad H. Said and Susan Owens.

RCW 29A.52.220(1) states, in part, that “No primary may be held for any single position in any city, town, district, or district court, as required by RCW 29A.52.210, if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for the position.”

RCW 29A.36.101 states, in part, "... the names of all candidates who, under this title, filed a declaration of candidacy . . . will appear on the appropriate ballot at the primary throughout the jurisdiction in which they are to be nominated."

Recommendation: Written procedures should be created regarding the placement of local races and ballot measures on the ballot. The procedures should address races appearing on the ballot, races that are exempted and when the exemptions occur, as well as processes to be followed in notifying jurisdictions and candidates. These procedures should be available to the staff of the Asotin County Elections Department and need to be followed for each election.

Names of candidates must be printed on the ballot as certified by the Secretary of State or as filed by the candidate on a Declaration of Candidacy. To assure that ballots are constructed correctly, adequate procedures for proofing documents should be put in place. It is the reviewer's opinion that additional staffing and training of staff may alleviate some of the errors.

Sample Ballots

Upon the request of the reviewer, the Auditor printed a copy of a single precinct ballot identified by the heading and side borders reading "Sample Ballot" on white paper.

RCW 29A.36.151 requires, "Except in each county with a population of one million or more, on or before the fifteenth day before a primary or election, the county auditor shall prepare a sample ballot which shall be made readily available to members of the public. The secretary of state shall adopt rules governing the preparation of sample ballots in counties with a population of one million or more. The rules shall permit, among other alternatives, the preparation of more than one sample ballot by a county with a population of one million or more for a primary or election, each of which lists a portion of the offices and issues to be voted on in that county. The position of precinct committee officer shall be shown on the sample ballot for the primary, but the names of candidates for the individual positions need not be shown."

Recommendation: Because Asotin County has less than one million in population, a single sample ballot style must be created containing all races being presented to the voters within the county. The form of a sample ballot should have the same arrangement of jurisdictions and offices as well as the same response marks as an official ballot, but must represent all races within an election or primary and be easily recognized as a sample ballot.

Sample ballots should be readily available to the public 15 days prior to an election or primary.

Ballot Security Prior to the Election

Ballots ready for mailing and processing were stored in the public vault. Numbered seals were used on the boxes containing the ballots, but there was no documentation of access with the use of seal logs or other documentation. The ballot boxes were accessible to the public.

RCW 29A.40.110(2) states, "All received absentee return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until after 8:00 p.m. of the day of the primary or election."

Recommendation: Any ballots stored in publicly accessible places should be secured by the use of boxes with numbered seals and seal logs, and by any additional measures such as locked cabinets or cages necessary to preserve the security of the ballots. Adequate secure storage must be developed for securing ballots.

Ballot Security During the Election

The reviewer observed a need for greater ballot security throughout of ballot process. Security concerns include:

- Ballot boxes, with ballots, were stored in rooms without documented access.
- On Election Day the reviewer observed voted ballots retained in an unsealed box within the public vault.
- Security of the room used by the teams of temporary employees processing ballots also contained the Hart tabulation equipment and ballot storage. Although this room was locked when not in use, there was no record of the people entering the room.
- Keys for the rooms used for ballots storage, processing, and tabulation were retained in the Auditor's office in the desk of the part-time election worker. Although this desk was in full view of all office staff, anyone in the office had access. No procedure was in place to document access to the keys.
- Blank ballots, used for duplication and replacement purposes, were left on a table in the processing/tabulation area. Once the problem was pointed out to her by the reviewer, the County Auditor immediately moved the extra ballots into a cabinet in the locked ballot processing room. However, the cabinet did not accommodate a numbered seal.
- The tabulation equipment was located in a locked room used by the opening board to process ballots. The Mobile Ballot Box, the tabulation system's electronic storage unit, was not secured by numbered seal and seal log.

WAC 434-250-110(2) states, "Following initial processing, all absentee ballots must be kept in secure storage until final processing. Secure storage must employ the use of numbered seals and logs, or other security measures which will detect any inappropriate or unauthorized access to the secured ballot materials when they are not being prepared or processed by authorized personnel."

WAC 434-261-045 requires, "Received ballots must be maintained in secure storage except during processing, duplication, inspection by the canvassing board, or tabulation. Secure storage must employ the use of numbered seals and logs, or other security measures that detect any inappropriate access to the secured materials."

Recommendation: Asotin County Auditor needs to adopt procedures addressing security of ballots and the tabulation system. These procedures should address security before and after ballot processing, ballot storage areas and mobile ballot boxes. All ballots, during every stage of processing or storage, must be secured in a manner that will document access to the ballots by using numbered seals and seal logs or any other means that will provide the same information.

The Mobile Ballot Box must be removed from the computer and sealed in a box with numbered seal and seal log when not tabulating. An alternate security method would be to restrict use of

the room containing the Mobil Ballot Box to tabulation of ballots only. The entire room should be locked and secured with a number seal and seal log.

The Asotin County Elections Department would greatly benefit from additional permanent staff trained in security procedures.

Ballot Security Following the Election

Ballots are put into long term storage in a room secured only with a key. There is no documentation of access.

WAC 434-261-045 states, "Secure storage must employ the use of numbered seals and logs, or other security measures that detect any inappropriate access to the secured materials."

RCW 29A.60.110, in part, requires "Immediately after their tabulation, all ballots counted at a ballot counting center must be sealed in containers that identify the primary or election and be retained for at least sixty days or according to federal law, whichever is longer."

Recommendation: Currently, the Auditor has separate storage for retention of past election materials. It is suggested that this area be converted to a secured room, with documented access, for processing ballots and long-term retention of election materials.

Logic and Accuracy Testing

The room used to process ballots was the same room that held the tabulation equipment. The limited size of the room would not accommodate processing of ballots at the same time that the logic and accuracy test was conducted. Voted ballots and ballot envelopes were left by the opening board on tables while the logic and accuracy test was in progress. No members of the opening board remained to verify the security of the ballots.

WAC 434-261-045 mandates "Received ballots must be maintained in secure storage except during processing, duplication, inspection by the canvassing board, or tabulation. Secure storage must employ the use of numbered seals and logs, or other security measures that detect any inappropriate access to the secured materials."

WAC 434-335-330 requires, in part, "All programming materials, test results, and test ballots must be kept in secure storage . . ."

Recommendation: Ballots must not be left unsecured. If processing of ballots is interrupted, the processing phase should be documented, and the ballots secured. The Auditor should establish a secure work area for processing ballots and not use the tabulation room.

Instructions for Voters

The Asotin County Elections Department includes printed instructions to voters with each mail ballot. The instructions correctly provide all required information, with the following exceptions:

- The opening time for the Auditor's Office on Election Day was incorrectly printed as 7:30 a.m.
- There was no explanation that, in order for a ballot to be counted, it must be deposited at a drop site no later than 8:00 p.m. on Election Day.
- While the instructions clearly directed the voter to seal the ballot in the security envelope, there were no instructions to seal the security envelope in the affidavit envelope.

WAC 434-250-100 states, "Ballots may be deposited in the auditor's office during normal business hours prior to the day of the election, and from 7:00 a.m. to 8:00 p.m. on the day of the election."

WAC 434-250-040, in part, states "... instructions for properly voting and returning an absentee ballot must also include: ...(d) How to place the ballot in the security envelope and place the security envelope in the return envelope; ...(g) Notice that, in order for the ballot to be counted, it must be either postmarked or deposited at a designated place no later than election day, and providing the location, dates, and times for depositing the ballot as an alternative to mailing the ballot."

Recommendation: The current set of voter instructions should be revised to provide the correct opening time of the Asotin County Auditor's Office on Election Day; instructions regarding how to return the security envelope containing the ballot by sealing it in the affidavit envelope; and notice that, in order for a ballot to count when deposited in a drop box, the ballot must be received no later than 8:00 p.m. on Election Night.

Ballot Deposit Locations

A single, unmanned, ballot deposit location was provided to voters at the Asotin County Courthouse 18 days prior to the Primary.

The unmanned deposit site located in the Asotin County Courthouse was the after-hours night deposit used by all Asotin County departments for county business documents. The drop box was accessible to any county employee with a key, and access to the ballots was not secure and accountable.

WAC 434-250-320 requires, "A county auditor conducting a county-wide election entirely by mail must provide at least two sites for the deposit of ballots. One of the deposit sites may be at the county auditor's office. All other deposit sites must be at geographical locations that are different from the county auditor's office. All deposit sites must meet the requirements of WAC 423-250-100."

WAC 434-250-100(3) directs, in part, "Ballot boxes must be locked and sealed at all times, with seal logs that document each time the box is opened, by whom, and the number of ballots removed."

Recommendation: The Asotin County Auditor must provide a second deposit site, at a different location than the Asotin County Building.

The current ballot deposit receptacle located at the Asotin County Courthouse must be replaced with a secure deposit box that meets the requirements of WAC 434-250-100.

Oath of Signature Checkers

The process of verifying signatures on returned ballot envelopes was conducted by the staff of the Auditor's Office. No oaths were administered to the staff verifying signatures.

WAC 434-250-120, in part, mandates "All personnel assigned to the duty of signature verification shall subscribe to an oath administered by the county auditor regarding the discharge of his or her duties."

Recommendation: All staff verifying signatures must attest to an oath prior to beginning the verification of voter signatures. The oath could be administered to permanent staff at the beginning of the year to be retained by the Asotin County Auditor. For temporary employees, the oath should be administered for each election as a part of the election records.

Retention of Inner Security Envelopes

Election workers responsible for opening and processing returned ballots were conscientious in examining each stack of security envelopes to verify that all ballots had been removed. After the security envelopes were confirmed to be empty, the opening board discarded the inner security envelopes.

WAC 434-635-050 states, "The local records committee may approve and issue records retention/disposition schedules which shall constitute authority to dispose of specific records, held commonly by like agencies, after a required retention period, on a recurring basis until the schedule is either amended or revised by the committee."

Recommendation: Asotin County should comply with the General Records Retention Schedule and Records Management Guidelines, which require that ballot security envelopes, including those received with special and vote by mail ballots, be retained for 22 months after a Federal election and 60 days after a non-Federal election.

Resolution of Ballots

Asotin County uses a digital scan vote tabulation system. The tabulation system can identify and log ballots that are resolved in preparation for tally, but does not record the names of the two staff members involved in the resolution process. A log of ballot resolutions was created digitally. No printed record was produced.

WAC 434-261-102 states, "In counties tabulating ballots on a digital scan vote tallying system, two staff designated by the auditor's office must resolve ballots identified as requiring resolution. A log of the resolutions must be printed and signed by the two staff."

Recommendation: Whenever ballots are resolved in Asotin County, the batch audit log should be printed. This log must be signed by the two persons resolving ballots.

Auditor's Office as a Poll Site

A flag was displayed outside the Asotin County Courthouse. The Asotin County Auditor's Office provided voter registration forms and supplemental services. The Office did not display the required sample ballots, instructions to voters, and HAVA poster.

WAC 434-253-025 states, "The following items must be posted or displayed at each polling place while it is open: (1) United States flag; (2) HAVA voter information poster; (3) Voting instructions printed in at least 16 point bold type; (4) Either sample ballots or voters' pamphlets; (5) Voter registration forms; (6) Election materials in alternative languages if so required by the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and (7) Any other items the county auditor deems necessary."

WAC 434-257-130 states, "Each county auditor shall conspicuously display voting instructions, printed in at least 16-point type, at each polling place."

Recommendation: The Auditor's Office must display voting instructions in at least 16 point font, sample ballots, and HAVA posters in the Auditor's Office when serving as a polling place.

Secrecy for Disability Access Unit Voting

The Asotin County Auditor provided a Disability Access Unit in the Auditor's office, available to the public beginning 18 days prior to the Primary. The screen of the Disability Access Unit was open to view of anyone who stood or passed behind a voter using the unit.

Access to the unit was hampered by the narrow doorway into the room, the restricted turn between an office wall and the main service counter, and a second restricted turn around a desk.

RCW 29A.44.060 states, in part, "The county auditor shall provide in each polling place a sufficient number of voting booths or voting devices . . . within which the voters may cast their votes in secrecy."

RCW 29A.46.130 states, "In-person disability access voting must be conducted using disability access voting devices at locations that are acceptable and comply with federal and state access requirements."

WAC 434-257-020 defines, in part, "(1) 'Accessible' means the combination of factors which create an environment free of barriers to the mobility or functioning of voters. The environment consists of the routes of travel to and through buildings or facilities used for the purpose of voting."

Recommendation: The Disability Access Unit should be relocated to ensure that the unit is accessible and provides secrecy in voting.

Procedure to Prevent Multiple Voting

The Asotin County Auditor complied with all requests by qualified voters to cast their ballots on a Disability Access Unit. The voter record was checked each time to confirm that a mail ballot

had not been received from the voter prior to allowing that voter to use the Disability Access Unit. A poll book was provided by the Asotin County Auditor for the signature of each voter using the Disability Access Unit. However, a record was not immediately made in the election management system to indicate that the voter had cast a ballot.

WAC 434-250-095 states, “Consistent with RCW [29A.46.110](#), in order to prevent multiple voting, the voter must be immediately credited or otherwise flagged as having voted.”

Recommendation: Each time a voter uses a Disability Access Unit to cast a ballot, the Asotin County Elections Department should immediately note in the voter’s election record that a ballot was cast.

Provisional Ballots

The Asotin County Elections Department uses a provisional ballot envelope entitled, “Special Ballot”. The oath on the envelope fails to mention that the voter needs to be a citizen of the United States and may not cast a vote for someone else. No space is provided for a voter’s former address.

The Auditor verbally confirmed that provisional voters are notified by mail of the disposition of their provisional ballot. However, no written information regarding the provisional process is provided to a voter at the time a provisional ballot is cast.

WAC 434-253-045 prescribes, “At a minimum, the following information is required to be printed on the outer provisional ballot envelope: (1) Name of voter. (2) Voter's registered address both present and former if applicable. (3) Voter's date of birth. (4) Reason for the provisional ballot. (5) Polling place and precinct number, if applicable, at which voter voted. (6) Sufficient space to list disposition of the ballot after review by the county auditor. (7) The following oath with a place for the voter to sign and date. . . “

RCW 29A.44.207 states, “The official shall then give the voter written information advising the voter how to ascertain whether the vote was counted and, if applicable, the reason why the vote was not counted.”

Recommendation: The current envelopes used for provisional ballot voting should be discarded and new provisional ballot envelopes must comply with all of the requirements listed in WAC 434-253-045.

A free access system not only provides information on the final disposition of a voter’s provisional ballot, but supplies written instructions as to how a voter may learn if the provisional ballot was, or was not, counted. A complete informational system must be developed and implemented.

Notification to Major Political Parties

No notice was given to the major political parties by the Auditor of the date and locations for various election activities, including processing ballots, logic and accuracy testing of tabulation equipment, canvassing, and certification of the Primary.

Official election observers were not requested to be present at any of the election processes.

WAC 434-250-110(1) states, "Prior to initial processing of ballots, the county auditor shall notify the county chair of each major political party of the time and date on which absentee processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of absentee ballots."

RCW 29A.40.100 states, "County auditors must request that observers be appointed by the major political parties to be present during the processing of absentee ballots."

Recommendation: Prior to each primary or election, the major political party chairs should be notified by mail, email, or telephone of the dates and locations for election related activities conducted by the County Auditor. All activities of ballot processing and canvassing of the election should be specified. The number of observers requested to attend each activity should also be included in the notice.

Public Notices

The Asotin County Auditor failed to notify the public, political parties, the press or candidates of the date, time, and location of the official logic and accuracy test for the Primary.

A notice of assistance available to elderly and disabled persons was not published, either separately or with the published notice of closing of registration for the Primary.

Although the County Auditor's office notified the local press of the date, time and location of the meetings of the Asotin County Canvassing Board, no notice of open public meeting for canvassing and certification of the Primary was published.

WAC 434-335-320 states, "The county must notify the parties, press, public, and candidates of the date and time of the test."

RCW 29A.04.220 states, "The county auditor shall provide public notice of the availability of registration and voting aids, assistance to elderly and disabled persons, and procedures for voting by absentee ballot calculated to reach elderly and disabled persons not later than public notice of the closing of registration for a primary or election."

RCW 29A.60.140(5) requires, "Meetings of the county canvassing board are public meetings under chapter [42.30](#) RCW."

WAC 434-262-025 indicates, in part, "The auditor shall publish notice of the meetings of the canvassing board."

Recommendation: Conduct of elections in Washington State is designed to be as open to public view as possible. Many of the public notices in the Primary were not distributed as required.

The press, candidates, political parties, and public must be notified of the date, time, and location of all logic and accuracy tests.

Public notice of the availability of registration and voting assistance to elderly and disabled persons must be made no later than 30 days prior to the primary or elections. It is possible to include such information with the publication of the notice of closing of voter registration.

To ensure the election process is open and accountable, and to comply with the Open Public Meetings Act, it is necessary to announce all meetings of the canvassing board as open to the public. The Asotin County Auditor must publish notices of all meetings of the canvassing board, in addition to notifying committee members and media, at least 24 hours in advance of the meeting.

Notice of Primary

The Notice of Primary, published in a timely manner, did not include all of the required information for conducting a primary by mail.

The races printed in the Notice of Primary for Asotin County were listed in the following order: partisan state races, non-partisan state judicial races, partisan county offices, and partisan precinct committee officers.

RCW 29A.52.311 prescribes, in part, “The names of all candidates for nonpartisan offices must be published separately with designation of the offices for which they are candidates but without party designation.”

WAC 434-250-310(3) states, “In addition to the information required in the notice of election published pursuant to RCW [29A.52.351](#), a county auditor conducting an election by mail, whether for a single jurisdiction or the entire county, must also state: (a) That the election will be conducted by mail and regular polling places will not be open; (b) The precincts that are voting by mail if it is only specific precincts rather than the entire county; (c) The location where voters may obtain replacement ballots; (d) The amount of postage required on the return envelope; (e) The dates, times and locations of designated deposit sites and sites for voting devices that are accessible to the visually impaired.”

Recommendation: The Notice of the Primary was published within the correct time frame. However, the notice did not include specific statements required for vote by mail elections. The notice lacked the following required information: a statement that regular polling places will not be open, the location where voters may obtain replacement ballots, the amount of postage required on the return envelope, the dates, times and locations of designated deposit sites including the Auditor’s Office, and sites of voting devices accessible to the visually impaired.

The arrangement of offices listed on the Notice of Primary must begin with all partisan offices and candidates in the appropriate balloting order (state offices, then county offices.) Under separate heading, all nonpartisan offices and candidates must be listed.

Canvassing Board Manual

The Asotin County Canvassing Board did not have available a written manual with administrative rules for conducting canvassing board business.

RCW 29A.60.140(4) states, "The county canvassing board shall adopt administrative rules to facilitate and govern the canvassing process in that jurisdiction."

RCW 29A.60.140(5) states, "All rules adopted by the county canvassing board must be adopted in a public meeting under chapter 42.30 RCW, and once adopted must be available to the public to review and copy under chapter 42.56 RCW."

Recommendation: The members of the County Canvassing Board should create policies and procedures for conducting the canvass of an election. All pertinent material should be compiled in an Asotin Canvassing Board Manual. A canvassing board manual will provide consistency of canvassing procedures for each election and provide better documentation of the canvassing and certification processes.

Delegation of Authority

Although the Asotin County Auditor and staff undertook various duties on behalf of the Canvassing Board, no written delegation by the Asotin County Canvassing Board was on file with the Auditor.

RCW 29A.60.140(2) states, "The county canvassing board may adopt rules that delegate in writing to the county auditor or the county auditor's staff the performance of any task assigned by law to the canvassing board."

WAC 434-262-015 states, in part, "These duties shall be performed by the members of the board, or they may delegate in writing representatives to perform these duties. This written delegation of authority shall be filed with the county auditor prior to any person undertaking any action on behalf of the board."

Recommendation: The Asotin County Canvassing Board must provide written delegation of the County Auditor and Auditor's staff in order for the staff to perform election tasks on the board's behalf. Delegation may be adopted for a single election, or for all elections, but must be retained by the County Auditor.

Canvassing and Certification Meeting for the Primary

The official public meeting for certification of the results of the Primary was already in progress when the observer arrived at 10:00 a.m., as verified by the Auditor's Office wall clock. The time of the meeting was announced in a press release as 10:00 a.m.

The canvassing board meeting was convened with a quorum of two. The third member of the Canvassing Board, the Chair of the Asotin County Commissioners, did not name a designee to act in his place. Although the third member of the Asotin County Canvassing Board was not in attendance, the missing member's signature was already affixed to the Official Certification for the Primary and to the Oath of the Auditor.

RCW 29A.60.140(5) mandates, "Meetings of the county canvassing board are public meetings under chapter 42.30 RCW."

WAC 434-262-015 requires, “The county auditor, prosecuting attorney, and chair of the county legislative authority, or designees as per chapter [29A.60](#) RCW, shall be responsible for the performance of all duties of the county canvassing board, as set forth in chapters [29A.40](#) and [29A.60](#) RCW, and the rules on canvassing adopted by the secretary of state.”

RCW 29A.60.200 states, “Before canvassing the returns of a primary or election, the chair of the county legislative authority or the chair's designee shall administer an oath to the county auditor or the auditor's designee attesting to the authenticity of the information presented to the canvassing board. This oath must be signed by the county auditor or designee and filed with the returns of the primary or election.”

Recommendation: All public meetings should be held according to the published notification, including the time for convening such meetings. Any changes in time, date, or location of open public meetings must be published at least 24 hours in advance.

The Oath of the Auditor attests to the accuracy of the Auditor’s report as presented to the Canvassing Board. It is not possible for the Auditor be certain that the information prepared for the Canvassing Board is complete prior to the day of certification. The chair of the county legislative authority must administer the oath to the Auditor at the meeting for certification of a primary or election.

Only those members of the Board who participated in the canvassing and certification of a primary or election should sign the Certification of the Canvassing Board. Serving on the canvassing board is a statutory responsibility. Failure to serve, or designate an alternate, is a felony.

Election Certification

The certification reconciliation report was submitted by the Auditor several days after certification. The reconciliation report contained errors in the total number of ballots counted, the number of ballots rejected, and the total number of ballot reported as received.

RCW 29A.60.235(1) states, “The county auditor shall prepare, make publicly available at the auditor’s office or on the auditor’s web site, and submit at the time of the certification an election reconciliation report . . . “

WAC 434-262-070 states, “Upon completion of the verification of the auditor’s abstract of votes and the documentation of any corrective action taken, the county canvassing board shall sign a certification that the abstract is a full, true and correct representation of the votes cast for the issues and offices listed thereon.”

Recommendation: The reconciliation of votes is a primary function of an election and must be available at the time of certification. The reconciliation report is intended to account for all ballots received by the county auditor. The number of ballots received should equal the number counted plus the number rejected. If the numbers do not match, the county should indicate why. This process is extremely important. It verifies that all ballots that should have been counted were counted. Asotin County should verify that all the numbers on the reconciliation form are

correct before submitting it to the county canvassing board to be included with the official results.

Disability Advisory Committee

The requirement of establishing a county disability advisory committee became effective in 2006. The Asotin County Auditor had not established such a committee to assist in developing a plan to improve accessibility in regards to election services and voting.

RCW 29A.46.206(2) directs, in part, "Each county shall establish and maintain an advisory committee that includes persons with diverse disabilities and persons with expertise in providing accommodations for persons with disabilities. The committee shall assist election officials in developing a plan to identify and implement changes to improve the accessibility of elections for voters with disabilities."

Recommendation: Asotin County must immediately establish a disability advisory committee composed of at least two people with disabilities and two people who are experienced in providing disability accommodations. Asotin County, with a population of less than thirty thousand, may combine with an adjacent county of similar size to form a joint advisory committee. This committee will assist the Auditor in developing a plan to improve access to elections services.

Suggestions

The following are suggestions for increasing efficiency and improving operations within the County Auditor's Office. Although these suggestions do not address issues involving compliance with state laws or administrative rules, the reviewer identified the tasks as areas of election administration in which the County Auditor might improve the efficiency and operation of the office.

Permanent Staffing of Elections Department

The Asotin County Auditor directly manages 11,400 active registered voters without the assistance of any permanent election staff. In comparison, Klickitat County currently serves 11,100 active registered voters with a staff of three full-time election administrators. Lack of trained staff contributed to several omissions and mistakes in conducting the Primary.

Suggestion: Asotin County needs to staff the elections department with one or more full-time election administrators before the 2007 Primary.

Processing Ballots

When ballots are first received in the Auditor's Office, the first step is to remove the masking over the signature and verify the signature while documenting that the ballot has been received in the election management system.

Suggestion: Daily reconciliation of mail ballots is essential. Manually accounting for the number of ballots received each day should be the first step. Once ballots are documented in the election management system as being received, the daily totals received, manual count to electronic, should be compared.

Black and blue pens were used by the ballot opening/processing staff to record batch numbers.

Suggestion: The presence of black/blue pens in the ballot processing area should be avoided. It is suggested that the Elections Department provide pens in a distinguishable color, such as red or green, to avoid the appearance that someone on staff could mark a ballot.

Procedures Manual

A current procedures manual is an invaluable tool for election administration, especially when the county experiences turnover in personnel. Grays Harbor County has a good start on a procedures manual, however parts of it is out of date. There are also many more areas in election administration that need to be covered, so continuing to expand the manual is important.

Suggestion: The reviewer has the following suggestions to improve the procedures manual:

1. Include all parts of the elections and voter registration administration, including the disability access units.
2. It appears that the procedures in the manual have been copied from another county. While there is nothing wrong with borrowing another county's procedures, they should be altered to fit the actual practice of your county.
3. The procedures need to be updated to reflect current law. One of the most difficult tasks is keeping written procedures up to date with changes in law or rule and changes in actual practice. The reviewer suggests an annual review of all written procedures to ensure they are kept current.

Elections Calendar

The Elections Department depends on the State Elections Calendar to schedule the year's tasks and events.

Suggestion: It would be helpful to create a calendar specifically for Asotin County elections, focusing on specific county tasks with beginning and ending dates.

A tickler could be added to the office's election calendar to ensure that voters with different ballot requirements, such as participants of the address confidentiality program and UOCAVA voters, are mailed ballots for each election at the appropriate time.

Ballot Requests

The Elections Department does not maintain a log of replacement ballot requests or single ballot requests other than the information that is entered into the computer system.

Suggestion: A method should be implemented to confirm that the appropriate numbers of replacement and original ballots are mailed out each day. If there is a computer error, there is no backup document indicating which voters requested ballots to be sent to them for any particular day.

Provisional Ballots

The Asotin County Auditor's Office currently prints provisional ballots on the same type of paper as regular ballots.

Suggestion: The Asotin County Auditor's Office could save time by using sample ballots as provisional ballots. Every possible issue the voter could vote is on the ballot. Such provisional ballots would be distinguishable from regular ballots because they are of different size, format and color. The word "provisional" should be stamped on the top of the ballot.

Communication

Asotin County Elections has a website but does not utilize the website effectively.

Suggestion: Web pages can provide low cost publication of items such as schedules for County Canvassing Board meetings, announcing election dates and providing reminders to the public of coming events and deadlines. Staff, including those in new positions, should be trained in how to publish information on the website.

Canvassing Board Meetings

Although minutes for the canvassing board meeting were taken, they were very brief.

Suggestion: An additional staff member should attend canvassing board meetings for the purpose of maintaining more extensive meeting minutes.

County's Response to Draft Review Report

The Election Certification and Training Program issued a Draft Review Report to the Asotin County Canvassing Board in January 2007. In accordance with WAC 434-260-145, we provided Asotin County 10 days to respond, in writing, to recommendations listed in the draft report.

The Asotin County Canvassing Board provided the following response to the Draft Review Report. The signed original of their response is on file in the Office of the Secretary of State.

RECEIVED

MAR 26 2007

OFFICE OF THE
SECRETARY OF STATE

ELAINE JOHNSTON
ASOTIN COUNTY AUDITOR
PO BOX 129
ASOTIN, WA 99402
phone 509-243-2084 fax 509-243-2087

February 22, 2007

Libby Nieland
Elections Program Specialist
Secretary of State
PO Box 40232
Olympia, WA 98504

Dear Libby,

In the following statements please find my response to your review recommendations.

1. Staff/Administration

Darla and I went to Olympia the end of February to attend the orientation class to begin our certification process. We are now working on our test. The 2007 budget includes a half time employee for the Auditors office which we have filled.

2. Verification and Confirmation Notices

As of 11/2006 we have been putting return postage on our confirmation notices to all addresses we get from the post office for a voter. We will add the US citizenship and oath to our verifications cards until the many olds ones are used then redesign new ones.

3. Verification of Applicant's Identity

We have always asked for "WA driver's license, other picture ID or a utility bill in your name with your address". I always send a SSAE with this request.

4. Voter List Maintenance

We do have "request for cancellation of registration because of death" forms which we use when someone comes to the office to report a death.

5. Ballot Request Forms

We have these available now.

6. Questionnaires for Cities, Towns and Districts

I had done this in the past, but was just easier to call them. Now I have a form to send to each entity.

7. Procedure to Prevent Multiple Voting

In November 2006 we updated the voter record as soon as they finished voting on the DAU to eliminate duplicate voting.

8. Ballot Security

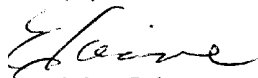
We have applied for a HAVA grant to convert some storage space into work space for assembly of ballots and ballot security. This will segregate ballot assembly and processing from resolution and counting. We will have secure storage also.

9. Ballot Layout

This was our first time printing our own ballots. In the past we have had a vendor do them for us. The errors on the ballot were a one time error.

My goal is to have most of the recommendations addressed by 2007 primary and all of them by the 2008 election cycle. With our small staff it will take time to prepare manuals and procedures so it will have to be done over a period of time.

Sincerely,



Elaine Johnston
Asotin County Auditor

